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FAX (408) 971-4660

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Date: December 12, 2005	Phone Number	Fax Number
To: Board of Patent Appeals		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NAIIP096/02.015.01

App. No: 10/071,587

Total Number of Pages Being Transmitted, Including Cover Sheet: 31

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December 12, 2005

DEC 12 2005

Practitioner's Docket No. NAI1P096/02.015.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pantuso et al.

Application No.: 10/071,587

Group No.: 2126

Filed: 02/08/2002

Examiner: Truong, LeChi

For: EXTRACTOR SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR  
MANAGING NETWORK ACCESS ON A PER-APPLICATION BASIS

Mail Stop Appeal Briefs - Patents

Commissioner for Patents

P.O. Box 1450

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TRANSMITTAL OF APPEAL BRIEF  
(PATENT APPLICATION-37 C.F.R. § 41.37)

1. Transmitted herewith is an appeal brief in this application, with respect to the Notice of Appeal filed December 12, 2005, which reinstates the appeal originally instated by the Notice of Appeal filed on June 29, 2005, and the original appeal brief filed July 13, 2005.

## 2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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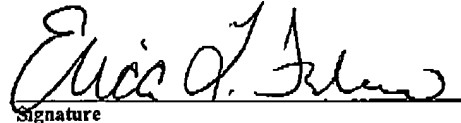
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Date: 12/12/2005  
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Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Transmittal of Appeal Brief--page 1 of 2

**3. FEE FOR FILING APPEAL BRIEF**

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity \$500.00

**Appeal Brief fee due \$500.00**

**4. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant(s) believe that no Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1351 order no. (NAIIP096).

**5. TOTAL FEE DUE**

The total fee due is:

Appeal brief fee	\$0.00 (previously paid on July 13, 2005)
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**6. FEE PAYMENT**

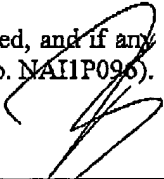
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A duplicate of this transmittal is attached.

**7. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAIIP096).

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Customer No.: 28875

  
\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172  
USA

Transmittal of Appeal Brief--page 2 of 2



Practitioner's Docket No. NAIIP096/02.015.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pantuso et al.

Application No.: 10/071,587

Group No.: 2126

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Transmittal of Appeal Brief--page 1 of 2

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**Appeal Brief fee due \$500.00**

**4. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant(s) believe that no Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1351 order no. (NAI1P096).

**5. TOTAL FEE DUE**

The total fee due is:

Appeal brief fee	\$0.00 (previously paid on July 13, 2005)
<b>Total Fee Due</b>	<b>\$0.00</b>

**6. FEE PAYMENT**

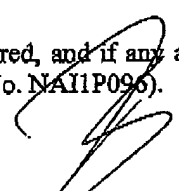
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A duplicate of this transmittal is attached.

**7. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P096).

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\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172  
USA

Transmittal of Appeal Brief--page 2 of 2

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: )  
)  
Pantuso et al. ) Group Art Unit: 2126  
)  
Application No. 10/071,587 ) Examiner: Truong, LeChi  
)  
Filed: February 8, 2002 ) Attorney Docket:  
) NAI1P096/02.015.01  
For: EXTRACTOR SYSTEM, METHOD )  
AND COMPUTER PROGRAM PRODUCT) Date: December 12, 2005  
FOR MANAGING NETWORK ACCESS )  
ON A PER-APPLICATION BASIS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION: Board of Patent Appeals and Interferences****APPEAL BRIEF (37 C.F.R. § 41.37)**

Transmitted herewith is an appeal brief in this application, with respect to the Notice of Appeal filed December 12, 2005, which reinstates the appeal originally instated by the Notice of Appeal filed on June 29, 2005, and the original appeal brief filed July 13, 2005.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

- I REAL PARTY IN INTEREST
- II RELATED APPEALS AND INTERFERENCES
- III STATUS OF CLAIMS
- IV STATUS OF AMENDMENTS

- V SUMMARY OF CLAIMED SUBJECT MATTER
- VI ISSUES
- VII ARGUMENTS
- VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL
- IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT  
IN THE APPEAL

The final page of this brief bears the practitioner's signature.

**I REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))**

The real party in interest in this appeal is McAfee, Inc.



**II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))**

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no other such appeals, interferences, or related judicial proceedings.

Since no such proceedings exist, no Related Proceedings Appendix is appended hereto.

**III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))****A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1-29

**B. STATUS OF ALL THE CLAIMS IN APPLICATION**

1. Claims withdrawn from consideration: None
2. Claims pending: 1-29
3. Claims allowed: None
4. Claims rejected: 1-29

**C. CLAIMS ON APPEAL**

The claims on appeal are: 1-29

See additional status information in the Appendix of Claims.

**IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))**

As to the status of any amendment filed subsequent to final rejection, there are no such amendments after final.

**V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))**

With respect to a summary of Claim 1 et al., as shown in Figure 5, a method for management of network access on a per application basis is provided. In use, applications are selected from a group of applications adapted for working in conjunction with a first application program interface to gain access to a network. The first application program interface is adapted for: permitting the applications to gain access to the network (e.g. item 501 of Figure 5), installing a second application program interface adapted for precluding the applications from accessing the network (e.g. item 504 of Figure 5), and wrapping the selected applications for allowing the selected applications to access the network via the second application program interface (e.g. item 506 of Figure 5). The selected applications would otherwise be precluded network access by the second application program interface. Note page 5, lines 1-30, for example.

**VI ISSUES (37 C.F.R. § 41.37(c)(1)(vi))**

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue # 1: The Examiner has rejected Claims 1-29 under 35 U.S.C. 101 as being directed toward non-statutory subject matter.

Issue # 2: The Examiner has rejected Claims 1, 8, 15, 22-24, 26 and 29 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in further view of Schwabe, U.S. Patent No. 6,651,186.

Issue #3: The Examiner has rejected Claims 2-6, 9-13, 16-20 and 25 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, and in further view of OPT (Optimizations).

Issue #4: The Examiner has rejected Claims 7, 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, in further view of Alexander et al., U.S. Patent No. 6,748,343.

Issue #5: The Examiner has rejected Claim 27 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, in further view of Michael Norton (Basic of network Segmentation: Switching and bridging).

Issue #6: The Examiner has rejected Claim 28 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, in further view of Bermudez et al., U.S. Patent No. 6,874,149.

**VII ARGUMENTS (37 C.F.R. § 41.37(c)(1)(vii))**

The claims of the groups noted below do not stand or fall together. In the present section, appellant explains why the claims of each group are believed to be separately patentable.

**Issue # 1:**

The Examiner has rejected Claims 1-29 under 35 U.S.C. 101 as being directed toward non-statutory subject matter.

***Group #1: Claims 1-7 and 24-29***

Applicant respectfully disagrees with the Examiner that applicant's claimed method steps can be practiced mentally in conjunction with a pen and paper. Applicant specifically points out the following claim language "selecting applications...to gain access to a network", "installing a second application program interface adapted for precluding the applications", and "wrapping the selected applications." Clearly, such claim language could not merely be practiced mentally as the Examiner contends.

***Group #2: Claims 8-14***

The Examiner has failed to specifically address why such claims are rejected under 35 U.S.C. 101. Applicant thus respectfully disagrees with such rejection.

***Group #3: Claims 15-22***

The Examiner has argued that Claims 15-22 are non-statutory because they are not tangibly embodied in a manner so as to be executable. Applicant respectfully disagrees and points out applicant's claimed "logic for" (Claim 15) and "means for" (Claim 22) for completing applicant's specific claim language, which inherently requires that the system be embodied on hardware to complete the logic and means.

*Group #4: Claim 23*

The Examiner has rejected Claim 23 as not being tangible. Applicant respectfully asserts that a data structured “stored in memory” is tangible. Thus, applicant respectfully disagrees with the Examiner’s rejection.

Issue # 2:

The Examiner has rejected Claims 1, 8, 15, 22-24, 26 and 29 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in further view of Schwabe, U.S. Patent No. 6,651,186.

*Group # 1: Claims 1, 8, 15, 22-24 and 26*

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant’s disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991). Appellant respectfully asserts that at least the first and third elements of the *prima facie* case of obviousness have not been met.

With respect to Claim 1 et al., the Examiner has relied on Col. 12, lines 13-16 in Schwabe to make a prior art showing of applicant’s claimed “selecting applications from a group of applications adapted for working in conjunction with a first application program interface to gain access to a network.”

With respect to the third element of the *prima facie* case of obviousness, applicant respectfully asserts that such excerpt from Schwabe merely discloses “determin[ing]

whether the first program unit implementation is consistent with a first program unit API definition file associated with the first program unit implementation.” Clearly, determining whether a program is consistent with an API definition file for purposes of “remote verification” of the program (Col. 12, lines10-11) does not even suggest any sort of selecting applications, let alone “selecting application from a group of applications” that are already “adapted for working in conjunction with a first application program interface” and especially not “to gain access to a network,” as specifically claimed by applicant. The third element of the prima facie case of obviousness is thus clearly not met.

With respect to the first element of the prima facie case of obviousness, applicant respectfully asserts that the combination of Schwabe with Moeller and Sitbon would not have been obvious since Schwabe relates to verifying a program (see Abstract) while Moeller relates to enabling an apparatus to access an operating system, and Sitbon relates to an address conversion process. These are clearly *non-analogous arts*. Still yet, the Examiner has argued that it would have been obvious to combine the foregoing references “because Schwabe’s selecting applications for working in conjunction with a first application program interface would improve the efficiency of Moeller and Sitbon’s systems by allowing program verifying to ensure binary compatibility.” Applicant respectfully disagrees with the Examiner’s assertion since, as noted above, Schwabe does not teach any sort of “selecting applications,” but instead only teaches determining if a program is consistent with an API definition file. The first element of the prima facie case of obviousness is thus clearly not met.

Returning to the third element of the prima facie case of obviousness with respect to Claim 1 et al., the Examiner has relied on the following excerpts from Moeller to make a prior art showing of appellant’s claimed “group of applications adapted for working in conjunction with a first application program interface to gain access to a network, the first application interface adapted for permitting the applications to gain access to the network.”

“In accordance with the present invention, the object-oriented class library 402 includes related object-oriented classes for



enabling an object-oriented application (such as the applications 130A and 130B) to access in an object-oriented manner services provided by the operating system 114. The object-oriented classes comprise methods which include procedural function calls compatible with the native procedural interface of the operating system 114." (Col. 6, lines 45-54) (emphasis added)

"The object-oriented class library comprises related object-oriented classes for enabling the application to access in an object-oriented manner services provided by the operating system. The object-oriented classes include methods for accessing the operating system services using procedural function calls compatible with the native procedural interface of the operating system." (Col. 3, lines 52-58) (emphasis added)

Applicant respectfully asserts that implementing "related object-oriented classes for enabling an object-oriented application...to access...object-oriented manner services provided by the operating system", as disclosed in Moeller per the citations above, does not meet "a group of applications adapted for working in conjunction with a first application program interface to gain access to a network," as claimed by appellant. Specifically, Moeller's teaching of utilizing object-oriented classes fails to even suggest a group of applications that are adapted for working in conjunction with a first application program interface to gain access to a network.

Still yet, the Examiner has admitted that Moeller does not teach a "second application program interface adapted for precluding the applications from accessing." The Examiner has argued that Sitbon teaches such specific claim language. In particular, the Examiner has relied on the following excerpts from Sitbon to make a prior art showing of appellant's claimed "installing a second application program interface adapted for precluding the applications from accessing the network; and wrapping the selected applications for allowing the selected applications to access the network via the second application program interface, where the selected applications would otherwise be precluded network access by the second application program interface."

"FIGS. 3a and 3b, for the sake of better comprehension, will be read together with FIG. 4, which shows a table of correspondence between the "socket" interface calls ("client" side) and the "XTI" interface ("server" side). When the

"socket" interface calls have no correspondence with the "XTI" interface, specific interface routines are used, which are represented by the letter (R) in FIG. 4." (Col. 5, lines 50-55) (emphasis added)

"In fact, for a standard TCP/IP application of the FTP (file transfer protocol), Telnet (virtual terminal management), RPC (remote procedure call) or DCE (distributed computing environment) type to be able to be run on OSI, the source code has to be taken up and updated or modified, then all the calls have to be run through in reverse order, the primitives have to be called, and then addressing has to be redone, and because such an operation was especially tedious and complicated, it was used little if at all." (Col. 1, lines 40-49) (emphasis added)

"These various calls SC+SY are then rerouted to the wrapper W, at the moment of the link editing phase before the executable is obtained. The second object of the wrapper W is to automatically convert the addresses specific to the TCP/IP network into addresses of the OSI/CO network, and to enable the passage from the TCP/IP protocol to the OSI/CO protocol. After conversion, the calls SC+SY intended for the TCP/IP network are transmitted to the "XTI" interface so as to be used directly in the OSI/CO interface, which is the third object of the wrapper W." (Col. 3, lines 5-15) (emphasis added)

Appellant respectfully asserts that Sitbon's disclosed "'socket' interface calls have no correspondence" and "the source code has to be taken up and updated or modified," as cited above, do not even suggest "installing" a second application program interface "adapted for precluding the applications from accessing the network," as claimed by appellant. Sitbon simply recognizes that there is no correspondence between a socket interface call and an "XTI" and teaches that such calls may be converted in order to be able to run on an OSI. This clearly fails to suggest installing a second application program interface that precludes applications from accessing the network.

Further, Sitbon teaches converting source code to be able to create access between a TCP/IP interface and an OSI interface, whereas appellant claims installing a second application that precludes access to a network. Thus, Sitbon *teaches away* from appellant's claimed feature.

The Examiner has further stated that Sitbon teaches that various calls SC+SY are rerouted to wrapper W (Col. 3, lines 5-8). The Examiner also states that when socket interface calls have no correspondence with the XTT interface (Col. 5, lines 50-55), the interface calls are precluded from accessing the network. The Examiner further states that the interface calls need to be converted in order to access the network since they are precluded from accessing the network.

Appellant respectfully asserts that even if the socket interface calls have no correspondence with the XTT interface and thus the interface calls are precluded from accessing the network, as contended by the Examiner, such still does not meet appellant's specific claim language. In particular, there is not even a suggestion in Sitbon, or in the Examiner's arguments, of any teaching that meets appellant's claimed installing a second application program interface, as claimed. The only interface utilized in Sitbon is the wrapper W, but such interface only allows access to the XTT interface, and does not specifically preclude access to a network, in the manner claimed by appellant.

Appellant respectfully asserts that at least the first and third elements of the *prima facie* case of obviousness have not been met by the prior art. Specifically, the Moeller, Sitbon and Schwabe references fail to teach or suggest all of the claim limitations, and any necessary combination/modification would be unobvious, for the reasons set forth hereinabove.

*Group #2: Claim 29*

The Examiner has relied on Col. 2, lines 25-30 in Sitbon to make a prior art showing of applicant's claimed technique "wherein the second application program interface is separate from the first application program interface." For the reasons argued above with respect to Issue #1, Group #1, applicant respectfully asserts that Sitbon does not teach the "second application program interface" in the specific context claimed by applicant.

Appellant respectfully asserts that at least the first and third elements of the *prima facie* case of obviousness have not been met by the prior art.

Issue #3:

Issue #3: The Examiner has rejected Claims 2-6, 9-13, 16-20 and 25 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, and in further view of OPT (Optimizations).

*Group # 1: Claims 2-3, 5, 9-10, 12, 16-17, 19, and 25*

For reasons similar to those set forth with respect to Issue #1, Group #1, appellant respectfully asserts that at least the first and third elements of the *prima facie* case of obviousness have not been met by the prior art.

*Group # 2: Claims 4, 11, and 18*

The Examiner has relied on the following Moeller excerpt to make a prior art showing of appellant's claimed "wherein the extractor code is further adapted for interfacing with the second application program interface" (see Claim 4 et al.).

"The code library 110 may represent multiple code libraries (not shown) related to the wrapper 128, wherein each of the code libraries include the computer program logic for one of the object-oriented classes of the class library 402." (see col. 9, lines 1-5)

After careful review of such excerpt, however, it is clear that it fails to even suggest extractor code, let alone extractor code that is further adapted for interfacing with the second application program interface, as claimed. The above excerpt from Moeller does not even suggest extractor code, that can extract data, and that can also interface with a second application program interface. Rather, such excerpt simply suggests code libraries that each include logic for object-oriented classes of the class library.

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, for the reasons set forth hereinabove above.

*Group #3: Claims 6, 13 and 20*

The Examiner has relied on the following Moeller excerpt to make a prior art showing of appellant's claimed "wherein the location in memory is where a routine is stored for allowing the selected applications to access the network" (see Claim 6 et al.).

"The library server processes the request by accessing the desired computer program logic from the code library and sending the desired computer program logic to the area of memory designated by the destination address." (see col. 9, lines 17-20)

Such excerpt, however, fails to even suggest any sort of location in memory where a routine is stored for allowing the selected applications to access the network, as claimed. Appellant argues that a library server that sends logic to an area of memory simply does not meet the specificity of appellant's claims, as noted above.

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, for the reasons set forth hereinabove above.

Issue #4:

The Examiner has rejected Claims 7, 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, in further view of Alexander et al., U.S. Patent No. 6,748,343.

*Group #1: Claims 7, 14 and 21*

The Examiner has relied on the following excerpt from Alexander to make a prior art showing of appellant's claimed "allowing a user to select the applications to be allowed to access the network via the second application program interface."

"...a computer display operable to generate a user interface for obtaining a user selection of client, premises, location, monitoring device, and processing rule data and to transmit the data to the processing server..." (Col. 19, lines 53-56)

Appellant respectfully asserts that the above excerpt from Alexander does not teach any sort of applications, but instead only discloses selecting items associated with transmitting data, such as a client, location, etc. In addition, there is no mention in the above excerpt of any type of second application program interface that is capable of allowing applications access to a network. Simply nowhere in the above excerpt or in the entire Alexander reference is there any mention of "allowing a user to select the applications to be allowed to access the network via the second application program interface" (emphasis added), as claimed.

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, for the reasons set forth hereinabove above.

Issue #5:

The Examiner has rejected Claim 27 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, in further view of Michael Norton (Basic of network Segmentation: Switching and bridging).

*Group #1: Claim 27*

The Examiner has relied on Michael Norton's disclosure of a network card that attempts to transmits frames onto a wire (Consuming bandwidth: lines 4-5) to make a prior art showing of appellant's claimed technique "wherein the second application program interface is adapted for precluding the applications from accessing the network utilizing a network card." Appellant respectfully asserts that Michael

Norton discloses a network card that attempts to transmit frames, which *teaches away* from appellant's specific claim language. In particular, the network card claimed by appellant is utilized for "the second application program interface...precluding the applications from accessing the network" (emphasis added), as claimed.

Appellant respectfully asserts that at least the first and third element of the *prima facie* case of obviousness has not been met, for the reasons set forth hereinabove above.

Issue #6:

The Examiner has rejected Claim 28 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al., U.S. Patent No. 5,473,777, in view of Sitbon et al., U.S. Patent No. 5,568,487, in view of Schwabe, U.S. Patent No. 6,651,186, in further view of Bermudez et al., U.S. Patent No. 6,874,149.

*Group #1: Claim 28*

For reasons similar to those set forth with respect to Issue #1, Group #1, appellant respectfully asserts that at least the first and third elements of the *prima facie* case of obviousness have not been met by the prior art.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

**VIII APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(1)(viii))**

The text of the claims involved in the appeal (along with associated status information) is set forth below:

1. (Previously Presented) A method for management of network access on a per application basis, comprising:
  - (a) selecting applications from a group of applications adapted for working in conjunction with a first application program interface to gain access to a network, the first application program interface adapted for permitting the applications to gain access to the network;
  - (b) installing a second application program interface adapted for precluding the applications from accessing the network; and
  - (c) wrapping the selected applications for allowing the selected applications to access the network via the second application program interface, where the selected applications would otherwise be precluded network access by the second application program interface.
2. (Previously Presented) The method as recited in claim 1, wherein the selected applications are wrapped with a wrapper adapted for compressing data in a portable executable (PE) image that provides compression of data associated with the applications.
3. (Original) The method as recited in claim 2, wherein the wrapper equips the compressed data with extractor code adapted for extracting the data in the PE image.
4. (Original) The method as recited in claim 3, wherein the extractor code is further adapted for interfacing with the second application program interface.
5. (Original) The method as recited in claim 2, wherein the wrapper is further adapted for identifying a location in memory.



6. (Original) The method as recited in claim 5, wherein the location in memory is where a routine is stored for allowing the selected applications to access the network.
7. (Original) The method as recited in claim 1, and further comprising allowing a user to select the applications to be allowed to access the network via the second application program interface.
8. (Previously Presented) A computer program product for management of network access on a per application basis, comprising:
  - (a) computer code for selecting applications from a group of applications adapted for working in conjunction with a first application program interface to gain access to a network, the first application program interface adapted for permitting the applications to gain access to the network;
  - (b) computer code for installing a second application program interface adapted for precluding the applications from accessing the network; and
  - (c) computer code for wrapping the selected applications for allowing the selected applications to access the network via the second application program interface, where the selected applications would otherwise be precluded network access by the second application program interface.
9. (Previously Presented) The computer program product as recited in claim 8, wherein the selected applications are wrapped with a wrapper adapted for compressing data in a portable executable (PE) image that provides compression of data associated with the applications.
10. (Original) The computer program product as recited in claim 9, wherein the wrapper equips the compressed data with extractor code adapted for extracting the data in the PE image.
11. (Original) The computer program product as recited in claim 10, wherein the extractor code is further adapted for interfacing with the second application program interface.

12. (Original) The computer program product as recited in claim 9, wherein the wrapper is further adapted for identifying a location in memory.
13. (Original) The computer program product as recited in claim 12, wherein the location in memory is where a routine is stored for allowing the selected applications to access the network.
14. (Original) The computer program product as recited in claim 8, and further comprising computer code for allowing a user to select the applications to be allowed to access the network via the second application program interface.
15. (Previously Presented) A system for management of network access on a per application basis, comprising:
  - (a) logic for selecting applications from a group of applications adapted for working in conjunction with a first application program interface to gain access to a network, the first application program interface adapted for permitting the applications to gain access to the network;
  - (b) logic for installing a second application program interface adapted for precluding the applications from accessing the network; and
  - (c) logic for wrapping the selected applications for allowing the selected applications to access the network via the second application program interface, where the selected applications would otherwise be precluded network access by the second application program interface.
16. (Previously Presented) The system as recited in claim 15, wherein the selected applications are wrapped with a wrapper adapted for compressing data in a portable executable (PE) image that provides compression of data associated with the applications.
17. (Original) The system as recited in claim 16, wherein the wrapper equips the compressed data with extractor code adapted for extracting the data in the PE image.

18. (Original) The system as recited in claim 17, wherein the extractor code is further adapted for interfacing with the second application program interface.
19. (Original) The system as recited in claim 16, wherein the wrapper is further adapted for identifying a location in memory.
20. (Original) The system as recited in claim 19, wherein the location in memory is where a routine is stored for allowing the selected applications to access the network.
21. (Original) The system as recited in claim 15, and further comprising logic for allowing a user to select the applications to be allowed to access the network via the second application program interface.
22. (Previously Presented) A system for management of network access on a per application basis, comprising:
  - (a) means for selecting applications from a group of applications adapted for working in conjunction with a first application program interface to gain access to a network, the first application program interface adapted permitting the applications to gain access to the network;
  - (b) means for installing a second application program interface adapted for precluding the applications from accessing the network; and
  - (c) means for wrapping the selected applications for allowing the selected applications to access the network via the second application program interface, where the selected applications would otherwise be precluded network access by the second application program interface.
23. (Previously Presented) A data structure stored in memory for management of network access on a per application basis, comprising:
  - (a) application program interface object for precluding a plurality of applications from accessing a network, wherein a permitting application program

interface is adapted for permitting the applications to gain access to the network; and

- (b) a wrapper object for wrapping selected applications for allowing the selected applications to access the network via the application program interface object, where the selected applications would otherwise be precluded network access by the application program interface object.
- 24 (Previously Presented) A method for management of network access on a per application basis, comprising:
- (a) installing a precluding application program interface adapted for precluding a plurality of applications from accessing a network, wherein a permitting application program interface is adapted for permitting the applications to gain access to the network; and
  - (b) wrapping a plurality of selected applications for allowing the selected applications to access the network via the precluding application program interface, where the selected applications would otherwise be precluded network access by the precluding application program interface.
25. (Previously Presented) The method as recited in claim 2, wherein the PE image includes a header, a stub program, a file signature, a .text section header, a .bss section header, a .rdata section header, and a .debug section header.
26. (Previously Presented) The method as recited in claim 1, wherein the applications include a word processor application, a database program, a browser program, a development tool program, a drawing program, an image editing program, and a communication program.
27. (Previously Presented) The method as recited in claim 1, wherein the second application program interface is adapted for precluding the applications from accessing the network utilizing a network card.

28. (Previously Presented) The method as recited in claim 1, wherein the second application program interface includes a modified copy of the first application program interface.
29. (Previously Presented) The method as recited in claim 1, wherein the second application program interface is separate from the first application program interface.

**IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT  
IN THE APPEAL (37 C.F.R. § 41.37(c)(1)(ix))**

There is no such evidence.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P096\_02.015.01).

Respectfully submitted,

By: 

Date: 12/12/05

Kevin J. Zilka

Reg. No. 41,429

Zilka-Kotab, P.C.  
P.O. Box 721120  
San Jose, California 95172-1120  
Telephone: (408) 971-2573  
Facsimile: (408) 971-4660